

Remarks

Claims 1-12 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The instant Office Action dated July 27, 2007 acknowledged Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), asserts that the title of the invention is not descriptive, indicates an objection to the abstract, indicates an objection to the specification, indicates an objection to claims 1-12, and lists the following rejections: claims 1, 6-7, 10-12 stand rejected under 35 U.S.C. § 102(b) over He *et al.* (U.S. Patent No. 6,323,849); claims 2-3, 5 and 9 stand rejected under 35 U.S.C. §103(a) over He *et al.* in view of Janssen *et al.* (U.S. Pub. No. 2003/0025665); and claims 4 and 8 stand rejected under 35 U.S.C. §103(a) over He *et al.* in view of Sarrasin *et al.* (U.S. Patent No. 5,600,343).

Applicant respectfully traverses the Section 102(b) rejection of claims 1, 6-7 and 10-12 because the cited portions of the He reference do not correspond to claimed invention which includes, for example, aspects directed to the row drive circuit including a logic function in front of at least one row output. According to M.P.E.P. § 2131, the cited elements of a prior art reference "must be arranged as required by the claim." In this instance, the Office Action's assertion of correspondence appears to rely upon a mischaracterization of the He reference. For example, the Office Action cites to He's row driver 140 and to AND logic gates 220, 230 as allegedly corresponding to the claimed row drive circuit and logic function respectively; however, the cited portions of the He reference clearly teach that AND logic gates 220, 230 are part of control circuit 110 (*see, e.g.*, Figures 1 and 2; and Col. 3:12-47), and not part of row driver 140. He does not teach that AND logic gates 220, 230 are part of row driver 140 or that these gates are in front of the outputs of row driver 140 that are connected to row lines 141-149 as asserted by the Office Action. Thus, the cited elements of the He reference are not arranged as required by the claims. Accordingly, the Section 102(b) rejection of claims 1, 6-7 and 10-12 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the Section 103(a) rejection of claims 2-3, 5 and 9 because the cited Janssen reference (U.S. Patent Pub. No. 2003/0025665) is not prior

art in light of Janssen and the instant application sharing a common Assignee. Janssen's priority date is August 3, 2001 and Janssen's publication date is February 6, 2003. The instant application has a priority date of June 22, 2002 (via EP 02013872.3). Thus, Applicant assumes that the Office Action is asserting the Janssen reference as prior art under Section 102(e). Janssen and the instant application have been, at the relevant times, assigned to Koninklijke Philips Electronics N.V.

More specifically, Applicant hereby invokes 35 U.S.C. 103(c) and alleges that the subject matter of the claimed invention and of the cited Janssen reference "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." According to M.P.E.P. 706.02, and in light of the above facts, the rejection under 35 U.S.C. 103(a) should be withdrawn because "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." This portion of the M.P.E.P. goes on to state that such subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention. Accordingly, the Janssen reference is not available as prior art under Section 103(a) against the claimed invention. Thus, the Section 103(a) rejection of claims 2-3, 5 and 9 is improper and Applicant requests that it be withdrawn.

Applicant has also reviewed and analyzed the Section 103(a) rejection of claims 2-3, 5 and 9 and submits that the rejection fails on the technical merits for maintaining a case of obviousness under Section 103(a). In view of the above, however, Applicant understands that further discussion of the Section 103(a) rejection of claims 2-3, 5 and 9 is unnecessary and is therefore omitted at this juncture. Accordingly, the Section 103(a) rejection of claims 2-3, 5 and 9 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the Section 103(a) rejection of claims 4 and 8 because the cited portions of the He reference do not correspond to the claimed invention as is discussed above in relation to the Section 102(e) rejection of claim 1. In at least this regard, the Section 103(a) rejection of claims 4 and 8 is improper because these claims

depend from claim 1. Therefore, Applicant requests that the Section 103(a) rejection of claims 4 and 8 be withdrawn.

Regarding the Office Action's assertion that the title of the invention is not descriptive, Applicant submits that the title is clearly indicative of the invention to which the claims are directed and is thus in compliance with M.P.E.P. §§ 606 and 606.01.

Regarding the objection to the abstract based on it exceeding 150 words, Applicant has provided an amended abstract that is less than 150 words in length as indicated on page 2 of this paper. Thus, Applicant requests that the objection to the abstract be removed.

Regarding the objection to the specification based on references to the claims, Applicant has amended the specification to remove these references as indicated on page 3 of this paper. Therefore, Applicant requests that the objection to the specification be removed.

Regarding the Office Action's suggestion to add section headings, Applicant respectfully declines because the indicated suggestions in 37 C.F.R. § 1.77(b) are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 C.F.R. § 1.51(d) are only guidelines that are suggested for applicant's use. They are not mandatory, and in fact when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

“Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77.”

In view of the above, Applicant prefers not to add section headings.

Applicant respectfully traverses the objection to claims 1-12 because the reference characters in these claims are enclosed within parentheses in compliance with M.P.E.P. § 608.01(m). Should the Office Action be referring to the “n rows” and the “m columns”, n and m indicate the number of rows and columns respectively, they are not reference characters. Notwithstanding, in an effort to facilitate prosecution, Applicant

has amended claims 1-12 to remove the reference characters. Thus, Applicant requests that the objection to claims 1-12 be withdrawn.

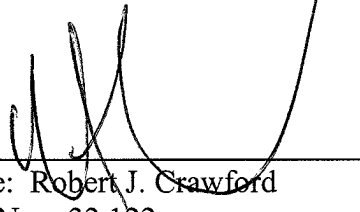
Applicant notes that after a thorough review of claims 1-12 additional minor amendments have been made to improve readability. These amendments are not being made to overcome any of the objections or rejections raised by the Office Action, all of which fail for the reasons discussed above.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, John Rehberg, of NXP Corporation at (408) 474-9063 (or the undersigned).

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